

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of:

Stefan Ivehammar

Serial No.: 09/882,702

Filed: June 14, 2001

For: METHOD AND APPARATUS FOR
ACCESSING A TEXT BASED
INFORMATION SERVICE

Atty. Docket No.: 006559.00019

Group Art Unit: 2623

Examiner: Sheleheda, James R.

Confirmation No.: 9351

APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal Brief in accordance with 37 C.F.R. § 41.37 in support of Appellant's April 30, 2008 Notice of Appeal.

Please charge the filing fee of \$510.00 under 37 C.F.R. §41.20(b)(2) and any further necessary fees in connection with this Appeal Brief to our Deposit Account No. 19-0733.

REAL PARTY IN INTEREST

37 C.F.R. § 41.37(c)(1)(i)

The real party in interest is Nokia Corporation, the assignee of record.

RELATED APPEALS AND INTERFERENCES

37 C.F.R. § 41.37(c)(1)(ii)

There are no related appeals or interferences.

STATUS OF THE CLAIMS

37 C.F.R. § 41.37(c)(1)(iii)

Claims 1 – 24 are pending.

Claims 25-27 are cancelled.

Claims 28 -32 are pending.

Claims 33-38 are cancelled.

Claims 39 is pending.

Pending Claims 1 – 24, 28-32, and 39 are rejected, and Appellant hereby appeals the rejection of all pending claims.

STATUS OF AMENDMENTS

37 C.F.R. § 41.37(c)(1)(iv)

There are no amendments filed subsequent to the Final Rejection of 2/25/2008.

SUMMARY OF CLAIMED SUBJECT MATTER

37 C.F.R. § 41.37(c)(1)(v)

Independent Claim 1 recites: Apparatus, comprising:

an information service module (8 Fig. 2) configured to provide an information service in conjunction with a television programme service (page 6 lines 5-20 and Figs. 3-5),

a receiver (8 Fig. 1) configured to receive an acceptance signal related to the information service from a display controller (s4 Fig. 4 and also s15 Fig. 5); and

a display module configured to provide the information service for display in response to the acceptance signal (13 Fig. 2), wherein

the information service module is further configured to receive a user preference not to display the information service during the display of the television programme service (page 7 lines 16-21), the information service module being operable to override the user preference (s20 Fig. 5) in response to detection of a code identifying link information for display during display of the television programme service (s13 Fig. 5 and page 7 lines 16-21), the link information being associated with predefined content of the information service (page 3 lines 26-33).

Independent Claim 12 recites: A method comprising:

providing an information service in conjunction with a television programme service (page 6 lines 5-20 and Figs. 3-5),

receiving an acceptance signal related to the information service from a display controller (s4 Fig. 4 and also s15 Fig. 5); and

providing the information service for display in response to the acceptance signal (s5 and s6 Fig. 4 and also s16 and s17 Fig. 5), further comprising:

receiving a user preference not to display the information service during the display of the television programme service (page 7 lines 16-21), and

overriding the user preference (s20 Fig. 5) in response to detection of a code identifying link information for display during the television programme service (s13 Fig. 5 and

page 7 lines 16-21), the link information being associated with predefined content of the information service (page 3 lines 26-33).

Independent Claim 23 recites: A computer readable medium containing a program, which when executed by a processor, enables access to an information service from a television programme service (18 Fig. 3), wherein the program implements a method comprising receiving an acceptance signal related to the information service from a display controller (s4 Fig. 4 and also s15 Fig. 5), providing the information service for display in response to the acceptance signal (s5 and s6 Fig. 4 and also s16 and s17 Fig. 5), and receiving a user preference not to display the information service during the display of the television programme service (page 7 lines 16-21), further comprising overriding the user preference (s20 Fig. 5) in response to detection of a code identifying link information for display during display of the television programme service (s13 Fig. 5 and page 7 lines 16-21), the link information being associated with predefined content of the information service (page 3 lines 26-33).

Independent Claim 39 recites: Apparatus comprising:

- means for providing an information service in conjunction with a television programme service (page 6 lines 5-20, item 18 Fig. 3 and Figs. 3-5),

- means for receiving an acceptance signal related to the information service from a display controller (8 Fig. 1, s4 Fig. 4 and also s15 Fig. 5); and

- means for providing the information service for display in response to the acceptance signal (s5 and s6 Fig. 4 and also s16 and s17 Fig. 5), wherein

- the information service providing means is further configured to receive a user preference not to display the information service during the display of the television programme service (page 7 lines 16-21), and is operable to override the user preference (s20 Fig. 5) in response to detection of a code identifying link information for display during display of the television programme service (s13 Fig. 5 and page 7 lines 16-21), the link information being associated with predefined content of the information service (page 3 lines 26-33).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

37 C.F.R. § 41.37(c)(1)(vi)

I. Claims 1-4, 7, 10-15, 17-19, 23, 24, 28-32, 37 and 38 stand rejected under 35 USC §103(a) as being unpatentable over Macrae, et al., (Macrae) (WO 98/17064 A1), in view of Collings (5,828,402).

II. Claims 5, 6, 8, 9, 16, 20-22 and 38 stand rejected under 35 USC §103(a) as being unpatentable over Macrae and Collings, and further in view of Bendinelli (U.S. 6,061,719).

ARGUMENT

37 C.F.R. § 41.37(c)(1)(vii)

I. Claims 1-4, 7, 10-15, 17-19, 23, 24, 28-32, 37 and 38 stand rejected under 35 USC §103(a) as being unpatentable over Macrae, et al., (Macrae) (WO 98/17064 A1), in view of Collings (5,828,402). Appellant traverses this rejection.

Regarding Claim 1, in the Final Office Action on the bottom of page 5 to the top of page 6, the Office Action states that Macrae does not disclose “receiving a user preference not to display the information service during the display of the television program service and overriding the user preference in response to detecting a code identifying the link information.” Appellant agrees.

Continuing on page 6, the Office Action then states:

In an analogous art, Collings discloses a television receiver (Figs. 1 and 2; column 2, line 66-column 3, line 30) wherein a user preference to not display an information service is received (column 20, lines 7-16) and the system will detect codes identifying additional embedded information (column 4, line 11-30 and column 7, lines 50-54) and override the user preference to display additional data embedded in the information service (wherein the information embedded within the captions are unrelated to and displayed independently of the user's caption selections; column 9, lines 39-62, column 16, lines 19-67, column 20, lines 7-1 6) for the typical benefit of ensuring that embedded information can be properly utilized (column 16, lines 28-41).

Appellant disagrees. First, Collings does not teach the limitation of “to **override** the user preference”, and further Collings does not teach “to override the user preference **in response to detection of a code identifying link information** for display during display of the television programme”.

Regarding the first point, the Office Action refers to Collings column 16, lines 19-67 to show the feature of overriding a user preference. The pertinent part of Collings is column 16 lines 29-41, which states:

Much of the data encoded and embedded in incoming video signal 24 is of interest to viewers. For example, **a viewer may be interested in knowing the title of the current television program, how long the current program has left to run etc.** Preferably infrared remote control transmitter 71 **includes a key 75 which, for a short period, for example, a few seconds, displays the title of the current program together with other information about the current program.** This information is stored in memory 46 in apparatus 20. It is therefore trivial to cause microprocessor 42 to send this information through on screen display driver 60 for display on the screen of television 22 as shown, for example, in FIG. 6. [Emphasis Added]

The Office Action states that this shows overriding a user preference. This is incorrect, because **it is the user** that causes information (title, run length, etc.) to be temporarily displayed. The Office Action's argument appears to be that when a user presses a key to cause certain information to temporarily appear on the screen, the user is overriding his preference not to have extra information displayed. This does not appear to make sense. If the user is overriding his own preference not to display information, then isn't his preference really to display the information?

Turning to the second point, the section of Collings cited above makes clear that any act of displaying the information is caused by a proactive user selection, **not** "in response to detection of a code identifying link information", as recited by the claim. The Office Action refers to Collings column 4, line 11-30 and column 7, lines 50-54 for detecting of code information. While Collings does disclose at column 7, lines 50-54 the use of embedded codes to identify information, Collings makes no teaching or suggestion of **overriding a user preference in response to detection of a code.** Collings at column 16 lines 29-41 (presented above) only discloses the feature of displaying information in response to a user action. No other section of Collings provides disclosure for this attribute. There is no teaching or suggestion of overriding based on detection of a certain code.

Therefore, Collings does not disclose this feature. Further, Macrae does not make up for this deficiency. Appellant asserts that the combination of Collings and Macrae, even in combination with any other cited reference, does not teach or suggest this feature.

In the Final Office Action on page 3, the Office Action states that Appellant's previous argument regarding Collings are improper, in that "one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references" and refers to *In re Keller*. Appellant respectfully notes that the Office Action on page 5-6 admits that Macrae does not disclose the claimed feature of "to override the user preference in response to detection of a code identifying link information for display during display of the television programme", and on page 6 relies on Collings to show this feature. Therefore, Appellant's arguments regarding Collings are indeed proper, because Collings is the sole reference relied on to show this feature.

In summary, the combination of Macrae and Collings does not teach or suggest each and every feature as recited by Claim 1. would not lead to the invention. Nothing in Collings suggests the feature of "the information service module being operable to override the user preference in response to detection of a code identifying link information for display during display of the television programme service". Macrae does not make up for this deficiency. Consequently, the invention, as defined in independent Claim 1 can not be considered obvious over Macrae in view of Collings. Therefore Claim 1 and all claims that depend upon it are allowable.

The same arguments apply to the other independent claims. Method Claim 12 recites "overriding the user preference in response to detection of a code identifying link information for display during the television programme service". Computer readable medium Claim 23 recites "overriding the user preference in response to detection of a code identifying link information for display during display of the television programme service". Finally, apparatus Claim 39 recites "[the information service providing means] is operable to override the user preference in response to detection of a code identifying link information for display during display of the television programme service". The combination of Macrae and Collings do not disclose this feature, as previously described. Therefore, Claims 12, 23 and 29, and all claims that depend upon them, are allowable.

II. Claims 5, 6, 8, 9, 16, 20-22 and 38 stand rejected under 35 USC §103(a) as being unpatentable over Macrae and Collings, and further in view of Bendinelli (U.S. 6,061,719). Appellant asserts that these claims depend from allowable independent claims, and are therefore allowable.

Further with regard to Claim 6, the Office Action on page 17 states: “As to claim 6, Macrae, Collings and Bendinelli disclose means for highlighting the link information (prominently displayed an icon indicating to the user the presence of the link information; see Macrae at Fig. 2).” Appellant disagrees. Neither Macrae or the other references disclose highlighting the link information. In fact, Macrae suggests the exact opposite. Macrae, on page 9 lines 33-35 states: “The graphical icon will preferably be placed in an **unobtrusive portion** of the television signal, e.g. such that it is displayed **on a corner** of the television monitor **as shown in Fig. 2.**” [Emphasis Added] This certainly does not teach or suggest “highlighting”, let alone “prominently displaying”. Appellant asserts that the combination of Macrae, Collings and Bendinelli do not teach or suggest the features of Claim 6, and that this claim is allowable separate from its dependence on allowable parent claims. This argument also applies to Claim 17.

CONCLUSION

For all of the foregoing reasons, Appellant respectfully submits that the final rejection of claims 1-24, 28-32 and 39 is improper and should be reversed, and all pending claims be allowed.

Respectfully submitted,

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CLAIMS APPENDIX

37 C.F.R. § 41.37(c)(1)(viii)

1. Apparatus, comprising:
 - an information service module configured to provide an information service in conjunction with a television programme service,
 - a receiver configured to receive an acceptance signal related to the information service from a display controller; and
 - a display module configured to provide the information service for display in response to the acceptance signal, wherein
 - the information service module is further configured to receive a user preference not to display the information service during the display of the television programme service, the information service module being operable to override the user preference in response to detection of a code identifying link information for display during display of the television programme service, the link information being associated with predefined content of the information service.
2. Apparatus according to claim 1, wherein the acceptance signal corresponds to a set of keystrokes on the display controller.
3. Apparatus according to claim 2, wherein the keystroke set comprises less than four keystrokes.
4. Apparatus according to claim 3, wherein the keystroke set comprises a single keystroke.
5. Apparatus according to claim 1, wherein said information service module is configured to insert the link information into a subtitle line.
6. Apparatus according to claim 5, wherein said information service module is further configured to highlight the link information.

7. Apparatus according to claim 1, wherein the information service module is configured to distinguish link information from information which does not comprise a link to the information service.

8. Apparatus according to claim 7, wherein the information service module is configured to distinguish the link information by detecting a tag associated with the link information.

9. Apparatus according to claim 8, wherein the information service module is arranged to display the link information in response to detection of a tag.

10. Apparatus according to claim 1, wherein the information service comprises teletext.

11. Apparatus according to claim 1, comprising a television programme service according to the digital video broadcasting (DVB) standard.

12. A method comprising:
providing an information service in conjunction with a television programme service,
receiving an acceptance signal related to the information service from a display controller; and
providing the information service for display in response to the acceptance signal, further comprising:
receiving a user preference not to display the information service during the display of the television programme service, and
overriding the user preference in response to detection of a code identifying link information for display during the television programme service, the link information being associated with predefined content of the information service.

13. A method according to claim 12, wherein the acceptance signal corresponds to a set of keystrokes on the display controller.

14. A method according to claim 13, wherein the keystroke set comprises less than four keystrokes.

15. A method according to claim 14, wherein the keystroke set comprises a single keystroke.

16. A method according to claim 12, comprising providing the link information for display as a subtitle during the television programme service.

17. A method according to claim 12, including highlighting the link information to be displayed.

18. A method according to claim 17, wherein the highlighting comprises causing the link information to flash periodically when displayed.

19. A method according to claim 12, wherein the link information comprises a page number.

20. A method according to claim 12, wherein the link information includes an identification tag for distinguishing the link information from information which does not comprise a link to the information service.

21. A method according to claim 20, wherein the tag comprises a non-display character.

22. A method according to claim 20, comprising displaying a subtitle line which includes tagged link information.

23. A computer readable medium containing a program, which when executed by a processor, enables access to an information service from a television programme service, wherein the program implements a method comprising receiving an acceptance signal related to the information service from a display controller, providing the information service for display in response to the acceptance signal, and receiving a user preference not to display the information service during the display of the television programme service, further comprising overriding the user preference in response to detection of a code identifying link information for display during display of the television programme service, the link information being associated with predefined content of the information service.

24. A computer readable medium containing a program for performing the method of claim 12 when the program is run by a processor.

25-27 (Cancelled)

28. Apparatus according to claim 1, further comprising a scanner configured to scan data received from the television program service for link information.

29. Apparatus according to claim 11, comprising at least one processor for processing the DVB service.

30. Apparatus according to claim 1, comprising at least one processor for processing the information service and the link information.

31. Apparatus according to claim 1, further comprising memory for storing the predefined content of the information service.

32. A method according to claim 12, including scanning data received from the television program service for link information.

33-38 (Cancelled)

39. Apparatus comprising:

means for providing an information service in conjunction with a television programme service,

means for receiving an acceptance signal related to the information service from a display controller; and

means for providing the information service for display in response to the acceptance signal, wherein

the information service providing means is further configured to receive a user preference not to display the information service during the display of the television programme service, and is operable to override the user preference in response to detection of a code identifying link information for display during display of the television programme service, the link information being associated with predefined content of the information service.

EVIDENCE APPENDIX

37 C.F.R. § 41.37(c)(1)(ix)

NONE

RELATED PROCEEDINGS APPENDIX

37 C.F.R. § 41.37(c)(1)(x)

NONE